

REMARKS

By the foregoing Amendment, Claim 29 is amended. Entry of the Amendment, and favorable consideration thereof, is earnestly requested.

Claims 29-32 are rejected under 35 U.S.C. 251 as being based upon new matter added to the patent for which reissue is sought, under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, and under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. All of these rejections are based on an assertion that there appears to be a lack of support in the specification for the claimed limitations of (A) a self-sustained unit and (B) fixedly connected to the inside of the housing.

Claim 29 has been amended in a manner which Applicant believes obviate all of these rejections.

More specifically, Claim 29 has been amended to recite that the brake cylinder (4) is attached to the disc brake caliper, and that the bearing tappets (20) are fixedly connected to the inside of the disc brake caliper. Claim 29 had previously recited that the brake cylinder (4) and the bearing tappets (20) were attached to the inside of the housing.

Support for these amended claim limitations can be found in U.S. Patent No. 5,833,035, *inter alia*, in Figures 1 and 2, at column 1, lines 27-30 ("A less complex, cheaper and more reliable design is according to the invention attained in that bearing tappets, parallel with the cross bar, are fixedly connected to the inside of the cover..."), at column 3, lines 51-54 ("Each of these bearing tappets 20 rests by means of a bevel on the cover 2 and is connected thereto by means of a pin 21, so that it can be regarded as a part of the cover 2."), and at column 3, lines 1-3 ("Attached to the cover 2 is a brake cylinder 4, normally a pneumatic brake cylinder, for delivering a brake force to the caliper."). It should be noted that the cover 2 forms part of the disc brake caliper, and thus, the requirements that the brake cylinder (4) and the bearing tappets (20) are attached to the disc brake caliper is fully supported. In this regard, the Examiner's attention is directed to column 2, lines 66-67 ("The main components of the disc brake caliper are a housing 1 and a cover 2, which are attached to each other by means of screws 3.").

Claim 29 has also been amended to recite that a mechanism including at least the thrust sleeves (8), the cross bar (9) and the lever (17) is held together as a unit in the absence of the housing (1).

Support for these amended claim limitations can be found in U.S. Patent No. 5,833,035, *inter alia*, in Figures 1 and 2, at column 2, lines 28-32 (“By this design a return force for the cross bar and accordingly for the thrust sleeves is obtained, but the cover and the rest of the mechanism are also held together as a unit even in the absence of the housing, which accordingly may be manufactured separately”), and at column 3, lines 30-36 (“By the described hold-off spring arrangement delivery of the mechanism as a unit including the hold-off springs is possible, in spite of the fact that the hold-off force acts between the cross bar 9 and the housing 1. The arrangement will act to hold the cover 2 and the rest of the mechanism together also in the absence of the housing 1”).

In view of the Amendments presented herein, Applicant respectfully submits that all claim limitations are fully supported by the patent for which reissue is sought in compliance with 35 U.S.C. 251, comply with the written description requirement of 35 U.S.C. 112, first paragraph, and are not indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention in compliance with 35 U.S.C. 112, second paragraph.

Moreover, Applicant respectfully submits that there is no impermissible recapture for the reasons set forth in Applicant’s Appeal Brief filed on February 11, 2003.

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For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 29-32, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,


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